

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	JUMA
Title	FILTER REINFORCED FILTER FOR MOLTEN METAL FILTRATION
Serial Number	10/516,443
Filing Date	30 November 2004
Art Unit	1797
Examiner	Kim, John
Attorney Docket No.	1489 (04-80)

COMMUNICATION PURSUANT TO 37 C.F.R. § 1.133

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant presents the following record of the telephonic interview conducted in this application on 07 April 2008:

PARTICIPANTS

Examiner John Kim

Attorney Thomas Clinton for Applicant

EXHIBITS AND DEMONSTRATIONS

No exhibits were shown and no demonstrations were conducted.

CLAIMS DISCUSSED

Claims 1 and 4 were discussed.

PRIOR ART DISCUSSED

U.S. Patent No. 3,574,646 to Wismer et al.

U.S. Patent No. 5,750,026 to Gadkaree et al.

U.S. Patent Publication 2007/0090047 to Bell et al.

U.S. Patent No. 7,138,084 B2 to Bell et al.

U.S. Patent Publication No. 2005/0263449 A1 to Juma

U.S. Patent Publication No. 2004/0128857 A1 to Bell et al.

PROPOSED AMENDMENTS OF A SUBSTANTIVE NATURE

Proposed amendments to claims 1, 4 and 23 were discussed. A copy of these proposed claims was provided to the Examiner by facsimile prior to the interview. No agreement was reached.

PRINCIPAL ARGUMENTS PRESENTED TO THE EXAMINER

1. Unconverted graphitizable carbon remains in the product of the present invention after the process step of heating in a non-oxidizing atmosphere. To avoid confusion of terminology, and to present claims that are clearly directed to a product rather than to an intermediate, Applicant proposed claims characterizing the product in terms of the process by which it is made. Applicant also noted that the specific recitation the use of an inert or reducing atmosphere should overcome the 35 USC § 102 rejections with respect to U.S. Patent No. 3,574,676 to Wismer et al., and with respect to U.S. Patent No. 5,750,026 to Gadkaree et al.

Examiner stated that the proposed amendments should be formally entered, and would need to be considered with regard to the prior art.

2. Applicant pointed out that there is material in the U.S. Patent Publication No. 2007/0090047 A1 by Bell et al. (Bell '047) that should not be accorded a 35 U.S.C. § 102(e) priority date of August 28, 2001. Claims 23 and 53 were introduced by amendment on January 8, 2007, and contain material that is not supported in the specification. The application as originally filed by Bell teaches a minimum of 25% bonder (see paragraph 17). Accordingly, Applicant has amended the present claims to recite a maximum of 15% graphitizable carbon. For this reason, the provisional rejection under 35 U.S.C. § 101 with respect to Bell '047 and the rejection for obviousness-type double patenting with respect to U.S. Patent Publication No. 2004/0128857 A1 to Bell et al. ("Bell '857") are also believed to have been overcome.

Examiner stated that the proposed amendments should be formally entered, and would need to be considered with regard to the prior art.

3. Applicant pointed out that U.S. Patent Publication No. 2005/0263449 by Juma is directed to a device containing various features not found in the present invention. The general use of a material in a filter is not a variation of a filter, having a number of design features, that incorporates the material.

Examiner stated that the proposed amendments should be formally entered, and would need to be considered with regard to the prior art.

4. Applicant offered to present an affidavit from one of the inventors named in U.S. Patent No. 7,138,084 to Bell et al. stating that none of the presented Examples in that patent teach or suggest the use of graphitizable carbon. The starting materials given in the Examples, if present in amounts of less than 25 wt%, do not provide usable filters. The present application is being amended to recite the use of graphitizable carbon in amounts less than 25 wt%.

Examiner stated that the proposed amendments should be formally entered, and would need to be considered with regard to the prior art.

OTHER PERTINENT MATTERS DISCUSSED

None


OUTCOME OF THE INTERVIEW

Examiner stated that the claim amendments and arguments call for additional searching and consideration that require a request for continued examination.

Date: May 6, 2008

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Respectfully submitted,


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